

Application No.: 10/693,642Docket No.: 200313710-1 (1509-462)**REMARKS**

The indication of claims 1-10 containing allowable subject matter, if rewritten or amended to overcome the rejection under 35 USC 112, second paragraph, is noted.

The claims have been amended, where appropriate, to overcome the rejection of claims 1-19 under 35 USC 112, second paragraph.

With regard to claim 6, line 2, applicant notes the claim indicates the routing protocol was previously set forth in the claim. Consequently, the claim clearly indicates the MPLS routing protocol is being defined.

With regard to claims 11-13, applicant does not understand why the word "network" needs any further structural elements. Explanation is requested.

With regard to claims 14-16, applicant does not understand why the words "one or more host computers" requires any further structural elements. Explanation is again requested.

Concerning claims 17-19, a memory device or storage medium including computer readable data in the form of a program for causing a network to be operated in accordance with a method defines an article of manufacture. As such, claims 17-19 do not require the recitation of a processor or computer for carrying out the method or structural elements of a network. Consequently, claims 17-19 comply with 35 USC 112, paragraph 2, as well as 35 USC 101.

Applicant traverses the rejection of claims 11-19 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The office action

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does not meet the burden of presenting by the preponderance of the evidence why a person skilled in the art would not recognize in applicant's disclosure a description of the invention defined by claims 11-19, as required by MPEP 2163.04 and *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976). There is no *in haec verbo* requiring the wording of the specification and the claims to be the same. MPEP 2163, *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971).

In fact, a person of ordinary skill in the art would understand that the disclosure in the application as filed discloses the elements set forth in claims 11-19. The requirement of claims 11-13 for a network including plural coupled computer arrangements is found in Figure 1 and the description thereof, *inter alia*, in paragraphs 0028 and 0045 which indicate a network includes plural coupled computer arrangements in the form of label edge routers LER1 and LER2, as well as label switching router LSR. The requirement of claims 11-13 for the network to include computer readable data for causing the network to operate in accordance with the methods as claimed in claims 1, 7 and 8 is described in connection with the flow diagrams illustrated in Figures 2 and 5 and the description thereof in paragraphs 0053 and 0041-0043, respectively. The requirement of claims 14-16 for one or more host computers to carry out the methods of claims 7, 8 and 1 is found in these claims as filed, as well as in paragraph 0053. The requirement of claims 17-19 for a memory device or storage medium including computer readable data in the form of a program for causing a network to be operated in accordance with the methods of claims 1, 7 and 8, respectively, is also described in connection with the flow diagrams illustrated in Figures 2 and 5 and the description thereof in paragraphs 0053 and 0041-0043, respectively, as well as in claims 17-19 as filed. Based on the foregoing, claims 11-19 find support in the application as filed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

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this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

Hari SHANKAR


Allan M. Lowe
Registration No. 19,641

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P. O. Box 272400

Fort Collins, CO 80527-2400

703-684-1111 Telephone

970-898-0640 Telecopier

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AML/cjf